

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 THAD AUBERT,

5 Plaintiff,

6 v.

7 JAMES DZURENDA, *et al.*,

8 Defendants.
9

Case No. 2:18-cv-01329-GMN-EJY

ORDER

10 Before the Court is Plaintiff's Motion for Reconsideration (ECF No. 58) which, when
11 construed liberally, seeks to address ECF No. 30, entered by the Clerk of Court stating that, pursuant
12 to Fed. R. Civ. P. 4(m), Defendant Dr. Romeo Aranas would be dismissed as would other
13 Defendants, whose names are not yet fully known, for lack of service.

14 More specifically, the Office of the Attorney General did not accept service of process on
15 behalf of Defendant **Dr. Romeo Aranas**, who is no longer employed by the Nevada Department
16 of Corrections (ECF No. 23). However, the Attorney General did file the last known address of this
17 Defendant under seal (ECF No. 24). Due to a transfer of this case from Magistrate Judge Foley
18 (Ret.) to Magistrate Judge Youchah, Plaintiff was not afforded an opportunity to serve his Complaint
19 on Defendant Aranas. The Court now provides Plaintiff that opportunity.

20 Accordingly,

21 IT IS HEREBY ORDERED that the Clerk of Court shall issue a summons for **Dr. Romeo**
22 **Aranas** and send the same to the U.S. Marshal with the address provided under seal (ECF No. 24).
23 The Clerk shall also send one (1) copy of the Complaint (ECF No. 7), one (1) copy of each of the
24 Court's Screening Orders (ECF Nos. 6 and 22), and one (1) copies of this Order to the U.S. Marshal
25 for service on the Defendant Aranas.

26 IT IS FURTHER ORDERED that the Clerk of Court **shall** send one (1) USM-285 form to
27 Plaintiff at the address listed below. Plaintiff shall have until **February 14, 2020**, to complete the
28 USM-285 service forms and return them to the U.S. Marshal, 333 Las Vegas Blvd. South, Las Vegas,

1 NV, Nevada 89101. The U.S. Marshal shall serve Dr. Aranas within **thirty (30)** days of receipt of
2 Plaintiff's completed USM-285.

3 The Court notes that at the request of Defendants represented by the Office of Attorney
4 General for the State of Nevada, discovery deadlines were recently extended in this matter. Thus,
5 no prejudice to the parties shall occur as a result of allowing Plaintiff to serve Dr. Aranas, who is
6 not represented by the Attorney General's Office. Further, Plaintiff has time remaining to learn
7 through discovery sought from the served Defendants the full names of additional Defendants he
8 seeks to serve with his Complaint.

9 IT IS FURTHER ORDERED that if Plaintiff fails to follow this order, Defendant Dr. Romeo
10 Aranas may be subject to dismissal for failure to complete service of process pursuant to Fed. R.
11 Civ. P. 4(m).

12 IT IS FURTHER ORDERED that the Clerk of Court shall mail of copy of this Order to
13 Plaintiff at the following address:

14 Thad Aubert
15 #70566
16 Lovelock Correctional Center
1200 Prison Rd.
Lovelock, NV 89419

17 IT IS FURTHER ORDERED that except as stated herein, the remainder of Plaintiff's
18 Motion (ECF No. 58) is DENIED.

19 DATED: December 27, 2019

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21 
22 ELAYNA J. YOUCHAK
23 UNITED STATES MAGISTRATE JUDGE
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